



Battle Creek Historic District Commission

Staff Report

Meeting: February 10, 2013

To: Historic District Commission

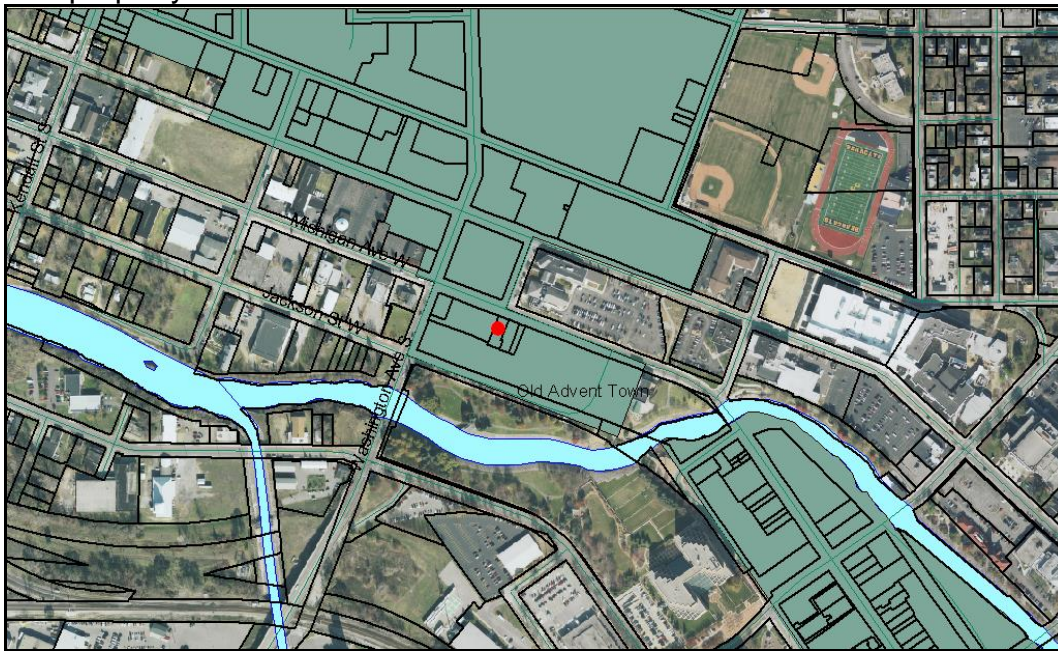
From: Glenn Perian, Senior Planner

Date: January 30, 2014

Subject: The petition filed by Dennis McKinley/City of Battle Creek Code Compliance Administrator, is for the issuance of a Notice to Proceed from the Historic District Commission to demolish the structure at 225 W. Michigan Avenue (On Deck Sports Bar, LLC).

Site:

The property is located in the Local Old Advent Town Historic District.



Summary of Request

The proposed demolition project is part of the City's effort to eliminate some of the dangerous buildings located within the City. A fire report and attached photos show that the structure was heavily damaged by a fire on December 30, 2013. A condemned building and cost estimate for repair report was issued by the Building Inspection Division on January 8, 2014, including a notice of violation stating that the building is unsafe for occupancy and at a minimum, likely to partially collapse. The request is for a Notice to Proceed to demolish the structure at 225 W. Michigan Avenue. The condemned building & cost estimate of repair report notice has been submitted, the Battle Creek Fire Department report, and photos of the

damage done by the fire is included as part of the application. Mr. McKinley is also expected to be at the meeting to discuss the request.

Public Notice Requirements:

Public notice has occurred as outlined under MCL Section 399.205 Section 5 (6)...*"the business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 of 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended."*

Applicable HDC Guidelines for a Notice to Proceed to Demolish the property at 78 Ann Avenue:

The property is to be reviewed in accordance with the City of Battle Creek Building and Housing Code Chapter 1470 "Historic Preservation", as amended, the Michigan's Local Historic Districts Act, as amended, and the criteria for the National Register of Historic Places as outlined in the Secretary of the Interior's Standards and Guidelines.

Generally, demolition of a structure will not comply with the standards outlined in the Secretary of Interior's Standards and Guidelines. However, in the event that these standards cannot be met, the State Act and local ordinance states that a notice to proceed **shall** be issued if any **one** of the following criteria, per Ch 1470.09(e) as follows, is met:

(e) Work within an Historic District shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Historic District Commission to be necessary to substantially improve or correct any of the following conditions:

(1) The resource constitutes a hazard to the safety of the public or to the structures and occupants.

(2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community, and the applicant proposing the work has obtained all necessary planning and zoning approvals and financing and environmental clearances.

(3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God or other event beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the Historic District, have been attempted and exhausted by the owner.

(4) Retaining the resource is not in the interests of the majority of the community.

Analysis and Recommendation for Notice to Proceed:

Mr. McKinley/City of Battle Creek has provided an Application for a Notice to proceed to demolish the structure at 225 W. Michigan Avenue due to the fact that the building is considered a dangerous building by the Inspections Division. The applicant is expected to be in attendance at the meeting to discuss the demolition and construction plans and answer any questions you may have.

While planning staff would prefer to see buildings rehabilitated, as outlined in the ordinance, the HDC **shall** approve a Notice to Proceed if at least **one** of the criteria has been met. It is your job to determine if the application has met the test outlined in the ordinance for the HDC to grant a Notice to Proceed for the demolition of 225 W. Michigan Avenue, as outlined in Chapter 1470 "Historic Preservation" and the Michigan Local Historic Districts.

Planning staff is recommending that a Notice to Proceed be issued to the City of Battle Creek for the demolition of the structure at 225 W. Michigan Avenue, in that the request meets standard #1 and #3, outlined in Chapter 1470.09(e) "Review of Applications" because as documented in the application, the building has been heavily damaged by the December 30, 2013 fire and is a hazard to the occupants and public, and will cost approximately \$937,350 to repair.